

Appl. No. 10/676,662
Prel. Amdt. dated October 29, 2003

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REMARKS

Claims 1, 4, 7-9, 11, 14, 15, 17-19, 21, and 24-34 are currently pending in this continuation application. Reconsideration of the claims of this continuation application in view of the following remarks is respectfully requested.

A. Rejection Of Claims 1, 4, 7, 9, 11, 14, 15, 18, 19, 21, 24, 25, 27-29, 31, and 34 Under 35 U.S.C. § 103(a)

Claims 1, 4, 7, 9, 11, 14, 15, 18, 19, 21, 24, 25, 27-29, 31, and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,846,262 issued December 8, 1998 to Sayama et al. ("Sayama") in view of U.S. Statutory Invention Registration H1674 published August 5, 1997 to Ames et al. ("Ames") and further in view of U.S. Statutory Invention Registration H1750 published September 1, 1998 to Dobrin. Applicants respectfully traverse the rejection. Specifically, without addressing the propriety of the three-way combination made by the Examiner, Applicants assert that the combination does not include each and every element of the invention as presently claimed.

The pending application has three independent claims – 1, 9, and 19. Each of the claims includes "attachment panels" that "consist essentially of an elastomeric nonwoven material" and that define "inner attachment surfaces." The fastening components of the claimed embodiments are disposed on the outer surface of the garment, and engage the inner attachment surfaces defined by the side panels. In this way, the engaging elements which often project from the surface of mechanical fastening elements are less likely to irritate or "poke" the wearer. See, e.g., "Summary of the Invention" at page 2, lines 15-19 ("The use of the side attachment panels to engage the fastening component reduces the chance for skin irritation because potentially irritating fastener components, such as hook fasteners, are disposed on the exterior surface of one waist region and covered by the side attachment panels.")

Dobrin discloses that "the outer layer 92 may provide the diaper with a low cost landing zone capable of engaging hook and loop type fasteners." Col. 7, lines 27-29. However, Dobrin does not disclose or even suggest disposing mechanical fastening elements on the outer surface of a product, so as to engage the inner surface of side/attachment panels. First, the only fastening system arrangement Dobrin teaches includes two fastening tabs 37 (such as hook components) affixed to the inner surface of the diaper, designed to engage a landing zone 38 affixed to the outer surface of the diaper. The opposite is not disclosed; that is, Dobrin does not disclose hook members disposed on the outer surface designed to engage a mating member disposed on an inner surface. Indeed, it is not

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clear how a caretaker would apply a diaper if it were necessary to affix outward-facing mechanical fasteners to a landing zone region disposed on the inner surface of a diaper.

Second, what little Dobrin does have to say about the outer layer providing a "low cost landing zone" suggests that the only arrangement contemplated by Dobrin is the traditional arrangement shown in Fig. 1, wherein the mechanical fasteners 37 face inward, and engage a landing zone on the outer surface of the diaper. In particular, at col. 7, lines 29-31, Dobrin states that "[s]uch a landing zone could be utilized as a portion of a primary fastening system or as a means for disposing of a soiled diaper." If the mechanical fasteners were disposed on the outer surface of the side panels 30 of Dobrin, it is unclear how a caretaker, in wrapping up the diaper for disposal, would engage the mechanical fasteners with the outer layer 92 without wrapping the diaper "inside-out," in which case the feces and urine would display themselves on the outside of the wrapped-up diaper, rather than be contained inside.

In sum, Dobrin not only fails to disclose disposing mechanical fastening elements on the outer surface of a product so as to engage the inner surface of attachment panels, but Dobrin teaches away from such a design. Therefore, Sayama, Ames, and Dobrin – even if they are combined – do not disclose or even suggest each and every element currently claimed by Applicants.

Accordingly, claims 1, 9, and 19, and all claims which depend therefrom, are believed to be patentable over Sayama, Ames, and Dobrin, and the present rejection should be withdrawn. Applicants explicitly reserve the right to identify additional errors in the Office Action and advance further reasons for patentability should the present response not result in withdrawal of the rejection.

B. Rejection Of Claims 8, 17, 26, and 30 Under 35 U.S.C. § 103 (a)

Claims 8, 17, 26, and 30 stand rejected as being unpatentable over Sayama in view of Ames and Dobrin, and further in view of U.S. Patent 5,087,253 issued February 11, 1992 to Cooper. Applicants respectfully traverse the rejection for at least the reasons noted above in regard to the rejection of independent claims 1, 9, and 19. Accordingly, this rejection should be withdrawn. Applicants explicitly reserve the right to identify additional errors in the Office Action and advance further reasons for patentability should the present response not result in withdrawal of the rejection.

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C. Conclusion

The application now contains claims 1, 4, 7-9, 11, 14, 15, 17-19, 21, and 24-34 which are believed to be in condition for allowance in view of the foregoing remarks.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

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Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I, Mary L. Roberts, hereby certify that on August 17, 2006 this document is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300.

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